

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

PHILLIP SEMPER, et al.,

Plaintiff(s),

v.

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT, et al.,

Defendant(s).

Case No. 2:20-CV-1875 JCM (EJY)

ORDER

Presently before the court is defendants Las Vegas Metropolitan Police Department, Sheriff Joseph Lombardo, Andrew Bauman, Matthew Kravetz, Supreet Kaur, David Jeong, and Theron Young (“defendants”)’s second motion to extend time to file their motion for summary judgment. (ECF No. 139). As of March 25, 2024, plaintiffs have not filed a response.<sup>1</sup>

Defendants request that the court grant an extension to March 25, 2024, because of technical difficulties arising from converting their motion for summary judgment to PDF format. (*Id.* at 4). The court previously granted both parties’ motions to file respective summary judgment motions in excess of the thirty-page limit as prescribed by the Local Rules of this district. (ECF No. 138).

Good cause exists to grant defendants’ request, as there is excusable neglect. In determining whether excusable neglect is present, the Ninth Circuit has held that it is appropriate

---

<sup>1</sup> Defendants filed their motion on March 20, 2024. (ECF No. 139). Accordingly, plaintiffs’ response deadline is April 3, 2024. Given that defendants seek an extension to March 25, 2024, the court must adjudicate defendants’ motion before waiting for plaintiffs’ response, the lack of which may indicate non-opposition to the instant motion.

1 for a district court to evaluate whether an attorney has “otherwise been diligent, the propensity of  
2 the other side to capitalize on petty mistakes, the quality of representation of the lawyers . . . and  
3 the likelihood of injustice . . . .” *Pincay v. Andrews*, 389 F.3d 853, 859 (9th Cir. 2004).

4  
5 As this is a dispositive motion, there would be no delay in judicial proceedings if the  
6 court were to grant defendants’ request. Defendants also filed their motion soon after  
7 discovering the technical issue. Most importantly, the court does not see how granting this  
8 motion will prejudice plaintiffs.

9 Accordingly,

10  
11 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that defendants’ second  
12 motion to extend time to file their motion for summary judgment (ECF No. 139) be, and the  
13 same hereby is, GRANTED.

14 DATED March 25, 2024.

15  
16   
17 \_\_\_\_\_  
18 UNITED STATES DISTRICT JUDGE  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28